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HOUSE BILL 724

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO UTILITIES; PROHIBITING A GAS OR ELECTRIC UTILITY FROM DISCONTINUING SERVICE UNLESS THE CUSTOMER IS IN ARREARS AT LEAST SIXTY DAYS; REQUIRING THAT CERTAIN PROCEDURES BE FOLLOWED PRIOR TO A DISCONTINUANCE OF SERVICE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 27-6-17 NMSA 1978 (being Laws 1991, Chapter 81, Section 1, as amended) is amended to read:

"27-6-17. UTILITY SERVICE--PROCEDURES TO FOLLOW PRIOR TO SERVICE BEING DISCONTINUED.--

A. A gas or electric utility shall not discontinue service to a residential customer for nonpayment unless the customer requests the discontinuance or the customer is sixty days or more in arrears.

~~[A.]~~ B. Unless requested by the customer, no gas or

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1 electric utility shall discontinue service to any residential
2 customer for nonpayment [~~during the period from November 15~~
3 ~~through March 15~~] unless the following procedures are followed:

4 (1) at least fifteen days prior to the date
5 scheduled for utility service to be discontinued, unless the
6 [~~New Mexico~~] public [~~utility~~] regulation commission provides
7 for a shorter period, the utility shall mail to all addresses
8 for the customer on file with the gas or electric utility or
9 hand-deliver to the customer a notice printed in both English
10 and Spanish and in simple language, which notice clearly
11 explains that:

12 (a) utility service shall stop on a
13 specific date;

14 (b) the customer may be eligible for
15 financial assistance to pay for the utility service; and

16 (c) for assistance, the customer should
17 contact the utility or the department;

18 (2) any utility subject to this section shall
19 attempt to advise customers who contact the utility seeking
20 financial assistance of the program administered under the Low
21 Income Utility Assistance Act and of assistance programs the
22 utility may administer on its own or in conjunction with
23 others;

24 (3) the utilities subject to this section and
25 the department shall provide application forms for utility

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1 service payment assistance at billing and agency offices; and
2 (4) before the service is actually
3 discontinued, the utility shall attempt to make contact in
4 person or by telephone to remind the customer of the pending
5 date of discontinuance of service and that financial assistance
6 for utility payments may be available.

7 [B-] C. Unless requested by the customer, no gas or
8 electric utility shall discontinue service to any residential
9 customer for nonpayment during the period from November 15
10 through March 15 until at least fifteen days after the date
11 scheduled for discontinuance of service if the department has
12 certified to the utility that a customer is eligible for
13 utility payment assistance under the Low Income Utility
14 Assistance Act and that payment for the utility service
15 provided to the customer will be made within the fifteen-day
16 period.

17 [G-] D. The department and the [~~New Mexico~~] public
18 [~~utility~~] regulation commission shall coordinate and adopt, as
19 they deem appropriate, either separate or joint rules [~~and~~
20 ~~regulations~~] necessary to implement the provisions of this
21 section; provided that nothing in this section authorizes the
22 department to revise tariffs or rate filings subject to the
23 jurisdiction of the [~~New Mexico~~] public [~~utility~~] regulation
24 commission."